

# Exhibit A

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*Attorneys for Plaintiff and the Alleged Classes*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING,  
INC., individually and on behalf of all others  
similarly situated,

**Plaintiff,**

V.

TOTAL MERCHANT SERVICES, LLC, a  
Delaware limited liability company,

**Defendant.**

Case No. 3:19-cv-05711-EMC

**DECLARATION OF TAYLOR T.  
SMITH IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
EXTENSION OF ALL REMAINING  
DEADLINES**

Date: TBD

Time: TBD

Judge: Hon. Edward M. Chen

Courtroom: 5

Complaint Filed: September 11, 2019

I, Taylor T. Smith, declare as follows:

1. I am an associate attorney with the law firm Woodrow & Peluso, LLC and an attorney of record for Plaintiff Abante Rooter and Plumbing, Inc. ("Plaintiff" or "Abante").

2. I certify that Plaintiff's counsel conferred with counsel for Defendant Total Merchant Services, LLC ("Defendant" or "TMS") regarding the requested extension. TMS does not oppose the requested extension.

3. On September 11, 2019, Plaintiff filed the instant action against Defendant alleging wide-scale violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (“TCPA” or “Act”). (Dkt. 1.)

1       4. During the October 22, 2020 case management conference, the Court limited  
2 discovery to the following: narrowly tailored written discovery; the depositions of Plaintiff,  
3 Defendant, Christopher Judy (“Judy”), and Triumph Merchant Solutions, LLC (“Triumph”); and  
4 the inspection of Triumph’s dialing system. (Dkt. 68.) The Court also Ordered expert disclosures  
5 due on January 11, 2021 and all expert discovery to be completed by February 26, 2021. (*Id.*)

6       5. Currently, the following deadlines remain:

- 7           a. Expert Disclosure Deadline: January 11, 2021;  
8           b. Deadline to Complete Discovery: February 26, 2021;  
9           c. Plaintiff’s Motion for Class Certification: February 11, 2021;  
10          d. Defendant’s Opposition to Class Certification: March 11, 2021;  
11          e. Plaintiff’s Reply in support of Class Certification: March 18, 2021; and  
12          f. Hearing on Motion for Class Certification and Further Case Management  
13              Conference: April 15, 2021, at 1:30 p.m.

14       6. After the conference, Plaintiff’s counsel conferred with counsel for TMS,  
15 Triumph, and Judy regarding available dates for depositions as well as an inspection of Triumph’s  
16 dialing system.

17       7. After conferring with Judy’s counsel, Plaintiff and TMS agreed to schedule the  
18 deposition for December 8, 2020. On December 1, 2020, counsel for Judy informed Plaintiff that  
19 he is not available on December 8, 2020. Judy provided additional dates in late-December and  
20 early-January. Counsel for Plaintiff and TMS are conferring regarding rescheduling the  
21 deposition.

22       8. Plaintiff, TMS, and Triumph agreed to schedule Triumph’s deposition for  
23 December 10, 2020 to occur via videoconference. The Parties agreed that a physical inspection of  
24 Triumph’s dialing system would occur after the deposition.

25       9. The Parties also agreed to schedule the 30(b)(6) depositions of Plaintiff and  
26 Defendant after Triumph’s and Judy’s depositions in January 2021.

1       10. On December 2, 2020, Triumph's counsel informed Plaintiff that he had tested  
2 positive for the coronavirus. Consequently, Triumph's counsel stated that the Triumph deposition  
3 would need to be postponed. Triumph's counsel will provide available dates for a deposition after  
4 his recovery.

5       11. Additionally, PoundTeam, Inc. ("PoundTeam"), which was served with a  
6 subpoena to produce documents and to permit inspection of Triumph's dialing system, has failed  
7 to respond to Plaintiff's subpoena at all. Plaintiff is preparing to file a subpoena enforcement  
8 action in the Middle District of Florida. Plaintiff expects to file the enforcement action within the  
9 coming week.

10      12. Plaintiff's counsel immediately conferred with counsel for TMS regarding the  
11 need to reschedule Triumph's deposition. At this time, Plaintiff informed TMS that it planned to  
12 seek an extension of all remaining deadlines. TMS informed Plaintiff that it does not oppose the  
13 extension.

14      13. Plaintiff and TMS are in agreement with respect to the following proposed  
15 deadlines, which includes separate expert disclosure deadlines:

- 16           a. Plaintiff's Expert Disclosure Deadline: March 8, 2021;
- 17           b. Defendant's Expert Disclosure Deadline: March 22, 2021;
- 18           c. Deadline to Complete Discovery: April 30, 2021;
- 19           d. Plaintiff's Motion for Class Certification: April 12, 2021;
- 20           e. Defendant's Opposition to Class Certification: May 10, 2021;
- 21           f. Plaintiff's Reply in support of Class Certification: May 17, 2021; and
- 22           g. Hearing on Motion for Class Certification and Further Case Management  
23                  Conference: June 10, 2021, at 1:30 p.m.

24      14. Plaintiff's counsel seeks the extension requested in good faith and believes that the  
25 additional time will allow the Parties sufficient time to complete all remaining depositions and  
26 inspections.

27           I declare under penalty of perjury under the laws of the United States of America that the  
28 DECLARATION OF TAYLOR T. SMITH  
MOTION FOR EXTENSION OF ALL  
REMAINING DEADLINES

1 foregoing is true and correct. Executed on December 7, 2020, in Denver, Colorado.

2  
3 By: /s/ Taylor T. Smith.

4 Taylor T. Smith\*  
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